

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:13-CV-665-BO

SHIRLEY A. KELLEY,)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
CAROLYN W. COLVIN, Acting)	
Commissioner of Social Security)	
Defendant.)	

This matter comes before the Court on the Acting Commissioner's motion for remand.

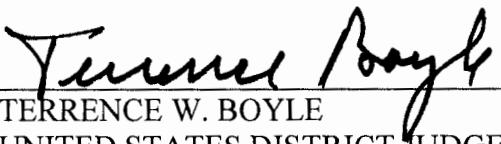
Plaintiff opposes remand and seeks an order reversing the decision of the ALJ.

The Acting Commissioner has demonstrated that remand in this instance is appropriate as the Administrative Law Judge (ALJ) failed to cite to any evidence in the record to support his findings with respect to any overpayment, frustrating this Court's ability to review his decision. Accordingly, the motion to remand under sentence four of 42 U.S.C. § 405(g) [DE 18] is GRANTED. Upon remand, plaintiff shall be allowed further administrative proceedings before an ALJ to, among other things, allow the ALJ to request the Program Service Center to provide an explanation of the amount of benefits payable to plaintiff in July 1996 and continuing, and the period of any overpayment, with supporting documentation. The Program Service Center should also determine the exact amount of any overpayment that the Administration has recovered. The ALJ shall then make new findings regarding the period and amount of overpayment received by plaintiff and explain the evidence on which his findings are based.

As the Court has found that remand is appropriate, plaintiff's motion for judgment reversing the decision of the Commissioner [DE 21] is DENIED. The clerk is DIRECTED to

enter judgment and to close the file.

SO ORDERED, this 11 day of June, 2014.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE